

### **Board Members**

David P. Yandell, Ph.D.  
Chairperson  
Maryann Santos de Barona, Ph.D.  
Vice-Chairperson  
Michael J. Rohrbaugh, Ph.D.  
Secretary  
Denise M. Bainton, J.D.  
Wil R. Counts, Ph.D.  
James J. Cox, Ed.D.  
Manuel H. Delgado, Jr., J.D.  
Joseph C. Donaldson  
Maureen K. Lassen, Ph.D.



## **State of Arizona Board of Psychologist Examiners**

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### **Staff**

Maxine McCarthy  
Executive Director  
  
Marcus E. Harvey  
Deputy Director  
  
David S. Shapiro  
Investigator  
  
Shari S. Courtney  
Administrative  
Assistant

## **REGULAR SESSION MINUTES**

**Friday, December 5, 2003**

1400 West Washington  
Basement Conference Room, #B-1  
Phoenix, AZ 85007

### **1. CALL TO ORDER**

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Yandell at 8:35 a.m. on Friday, December 5, 2003. Three Executive Sessions were held from 10:05 a.m. to 10:10 a.m., 3:15 p.m. to 3:22 p.m., and 4:58 p.m. to 5:04 p.m. for the purpose of obtaining confidential legal advice from the Board's attorney.

### **2. ROLL CALL**

#### **Board Members Present**

David P. Yandell, Ph.D. - Chairperson  
Maryann Santos de Barona, Ph.D. - Vice-Chairperson  
Michael J. Rohrbaugh, Ph.D. - Secretary  
Wil R. Counts, Ph.D.  
James J. Cox, Ed.D.  
Joseph Donaldson  
Maureen K. Lassen, Ph.D.

#### **Board Members Absent**

Denise M. Bainton, J.D.  
Manuel H. Delgado, Jr., J.D.

#### **Staff Present**

Maxine McCarthy, Executive Director  
Marcus Harvey, Deputy Director  
David Shapiro, Investigator  
Shari Courtney, Administrative Assistant

#### **Attorney General's Office**

Nancy J. Beck, J.D.  
Assistant Attorney General

#### **Solicitor General's Office**

Victoria Mangiapane, J.D.

### **3. REMARKS/ANNOUNCEMENTS**

Dr. Yandell announced that documentation was available for licensees who wished to receive continuing education credit for attending Board meetings. He also stated that anyone was welcome to complete a Board meeting assessment survey.

**4. APPROVAL OF MINUTES**

- **Regular Session – October 3, 2003**

A motion was made by Dr. Cox, seconded by Dr. Rohrbaugh, and unanimously carried (7-0), to approve the October 3, 2003 Regular Session minutes.

- **Executive Session – October 3, 2003**

A motion was made by Mr. Donaldson, seconded by Dr. Santos de Barona, and carried (6-0-1), with Dr. Cox abstaining from the vote, to approve the October 3, 2003 Executive Session minutes.

- **Conference Call Regular Session – November 7, 2003**

A motion was then made by Dr. Cox, seconded by Dr. Santos de Barona, and carried (5-0-2), with Drs. Lassen and Cox abstaining from the vote, to approve the November 7, 2003 Conference Call Regular Session minutes.

**5. CALL TO THE PUBLIC**

Chairperson Yandell gave the public the opportunity to address the Board at this time but no one wished to speak.

**6. ELECTION OF OFFICERS – TERM – January 1, 2004 to December 31, 2004**

Dr. Lassen nominated Dr. Santos de Barona for Chairperson, which was seconded by Dr. Cox, and unanimously carried (7-0).

Dr. Lassen then nominated Dr. Rohrbaugh for Vice-Chairperson, which was seconded by Dr. Cox. Dr. Rohrbaugh, however, declined the nomination and it was withdrawn. Dr. Rohrbaugh then nominated Dr. Cox for Vice-Chairperson, which was seconded by Dr. Lassen, and unanimously carried (7-0).

Finally, Dr. Lassen nominated Mr. Donaldson for Secretary, which was seconded by Dr. Cox and unanimously carried (7-0)

**7. DISCUSSION/DECISION REGARDING INITIAL REVIEW OF REQUESTS FOR INVESTIGATION (RFI)**

**a) RFI 03-18 – Robbie Adler-Tapia, Ph.D.**

Nancy Beck, Assistant Attorney General, informed the Board that she had filed a Request for Release of CPS Records with the Maricopa County Juvenile Court to permit Dr. Adler-Tapia and Child Protective Services to provide the Board with records regarding this case. The records had not yet been received, and therefore the case remained ongoing.

**b) RFI 03-22 – Daniel Gaughan, Ph.D.**

David Shapiro, Board Investigator, summarized the allegations and Board members proceeded to deliberate. The Complainant was present and made a statement to the Board. After some discussion, a motion was made by Dr. Cox and seconded by Dr. Lassen, to offer Dr. Gaughan a consent agreement in lieu of an informal interview, finding him in violation of A.R.S. § 32-2061(A)(13)(o): "Providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice." After some discussion, Dr. Cox made a motion, seconded by Dr. Lassen and unanimously carried, to move into Executive Session for the purpose of obtaining confidential legal advice from the Board's attorney.

Upon return to open session, Board members resumed deliberations, and Drs. Cox and Lassen withdrew their previous motion and second. Dr. Yandell then made a motion, seconded by Dr. Lassen, and unanimously carried (7-0), to continue this matter to a future meeting and obtain additional information from Dr. Gaughan and clarification of the minimum standard of care in Arizona regarding custody evaluations.

**c) RFI 03-24 – Daniel Gaughan, Ph.D.**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. A motion was made by Dr. Lassen and seconded by Mr. Donaldson to subpoena Dr. Gaughan to attend an investigative interview with the Board's investigator and Assistant Attorney General. After further discussion, an amendment was made by Dr. Lassen and seconded by Mr. Donaldson, to issue a subpoena *duces tecum* to Dr. Gaughan to bring all of his records in this case. The motion carried (6-1), with Dr. Santos de Barona voting no.

**d) RFI 03-26 – Janet MacGregor, Ph.D.**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. A motion was made by Dr. Cox and seconded by Dr. Counts to issue a letter of concern to Dr. MacGregor, which failed (2-5), with Drs. Rohrbaugh, Yandell, Counts, Lassen and Santos de Barona voting no. After further deliberations, Dr. Santos de Barona made a motion, seconded by Dr. Rohrbaugh, and unanimously carried (7-0), to dismiss the case, as there was no violation of the Board's statutes or rules.

**e) RFI 03-27 – Neal Olshan, Ph.D.**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. Dr. Yandell made a motion, seconded by Dr. Lassen, and unanimously carried (7-0), to move into Executive Session for the purpose of obtaining confidential legal advice from the Board's attorney.

Upon return to open session, Board members discussed this case further. Dr. Counts made a motion, seconded by Dr. Cox, and unanimously carried (7-0), to dismiss this case on the basis of the Board's lack of jurisdiction in this matter.

**f) RFI 03-29 – Andrea Scott, Ph.D.**

Mr. Shapiro summarized the allegations and Mr. Donaldson read a statement prepared by Board Member Delgado regarding his review of this case. Board members proceeded to discuss the case and Dr. Cox recused himself from this proceeding. After some discussion, Dr. Lassen made a motion, seconded by Dr. Santos de Barona, and unanimously carried (6-0-1), to dismiss the case, as there was no violation of the Board's statutes or rules.

**g) RFI 03-30 – Valerie Kemper, Psy.D.**

Mr. Shapiro summarized the allegations for the Board. Dr. Kemper was present and made a statement to the Board after which Board members proceeded to deliberate. A motion was then made by Dr. Lassen, seconded by Dr. Santos de Barona, and unanimously carried (7-0), to dismiss the case, as there was no violation of the Board's statutes or rules.

**h) RFI 03-31 – Barry Linden, Ph.D.**

Mr. Shapiro summarized the allegations for the Board. Dr. Linden was present and made a statement to the Board, as did the Complainant, who was also present. Board members then proceeded to deliberate after which a motion was made by Dr. Cox, seconded by Dr. Santos de Barona, and unanimously carried (7-0), to dismiss the case, as there was no violation of the Board's statutes or rules.

**i) RFI 03-32 – John Unmacht, Ph.D.**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. after which a motion was made by Dr. Cox, seconded by Dr. Santos de Barona, and unanimously carried (7-0), to dismiss the case, as there was no violation of the Board's statutes or rules.

j) **RFI 03-33 – Daniel Gaughan, Ph.D.**

Mr. Shapiro summarized the allegations for the Board. The Complainant's father was present and made a statement to the Board, after which Board members proceeded to deliberate. A motion was made by Dr. Lassen, seconded by Dr. Cox, and unanimously carried (7-0), to dismiss the case, as there was no violation of the Board's statutes or rules.

k) **RFI 03-34 – Pamela Willson, Ph.D.**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. A motion was made by Dr. Lassen, seconded by Mr. Donaldson, and unanimously carried (7-0), to dismiss the case, as there was no violation of the Board's statutes or rules.

l) **RFI 03-35 – Daniel Rosenbaum, Ph.D.**

Mr. Shapiro summarized the allegations and Board members proceeded to deliberate. A motion was made by Dr. Lassen, seconded by Dr. Cox, and unanimously carried (7-0), to dismiss the case, as there was no violation of the Board's statutes or rules.

m) **RFI 03-37 – Mark Rohde, Ph.D.**

Mr. Shapiro summarized the allegations for the Board. Dr. Lassen inadvertently made a motion to go into Executive Session, which was seconded by Dr. Cox, but then withdrawn. Board members then proceeded to deliberate and Dr. Lassen then again made a motion, seconded by Dr. Cox again, and unanimously carried (7-0), to move into Executive Session for the purpose of obtaining confidential legal advice from the Board's attorney.

Upon return to open session, Board members proceed to ask Mr. Shapiro for additional information and clarification. It was the consensus of the Board to continue this case to allow the investigator to obtain additional information.

RFI 03-36 – The case regarding Joel Glassman, Ph.D., was listed as ongoing and was not discussed at this meeting.

**8. HEARING ON DENIAL OF LICENSE APPLICATION – Bruce Tollefson, Ph.D.**

Dr. Yandell announced that it was the time and place for the hearing on the license denial of Bruce Tollefson, Ph.D. Dr. Tollefson was present with his attorney, Holly Gieszl, J.D., and they introduced themselves. Board members and staff then introduced themselves, as did Nancy Beck, J.D., representing the State, and Victoria Mangiapane, J.D., representing the Solicitor General's Office as counsel for the Board. Dr. Yandell then explained the procedures for the hearing.

Ms. Gieszl announced that she would waive her formal opening statement to the Board, after which Ms. Beck made her opening statement. Ms. Gieszl then called Marcus Harvey, Deputy Director, as a witness. Mr. Harvey was sworn in by the court reporter, whose transcript shall serve as the official record of the proceeding. Ms. Beck then cross-examined Mr. Harvey. Ms. Gieszl also called Dr. Tollefson as a witness, who was sworn in. Dr. Tollefson was then cross-examined by Ms. Beck, and questioned by members of the Board. Ms. Gieszl and Ms. Beck then made closing statements and Board members proceeded to deliberate. Dr. Cox made a motion, seconded by Mr. Donaldson, and carried (6-0-1), with Dr. Rohrbaugh abstaining from the vote, to affirm the denial of Dr. Tollefson's application for licensure.

**9. DISCUSSION/DECISION REGARDING STATUTE REVISION**

• **A.R.S. § 32-2072 – EXAMINATIONS; EXEMPTIONS**

Board members reviewed the proposed statutory amendments to A.R.S. § 32-2072 and after some discussion, Dr. Counts made a motion, seconded by Dr. Cox, and unanimously carried (7-0), to approve this language and authorize staff to have it introduced as an amendment to any

legislation that might be introduced by other groups in the 2004 Legislative Session that is agreeable to the Board. If no such legislation is introduced in the 2004 Session, the Board will suspend the statute revisions to the 2005 Legislative Session.

## 10. COUNSEL REPORTS

### • Litigation

- ❖ **Board v. McDonald 1CA-CV02-0518** – Nancy Beck, Assistant Attorney General, reminded the Board that this case is still in the Court of Appeals, awaiting the Court's decision.
- ❖ **Luick v. Board – LC 2003 – 000235 - 001DT** – Ms. Beck reported that oral argument was heard before Judge Michael Jones in the Superior Court of Maricopa County on December 1, 2003 and that his ruling must be entered within 60 days.
- ❖ **Stapert v. Board – LC2003 – 00640 – 001DT** – Ms. Beck reported that the Court granted the Board's motion to dismiss and that she will file a form of order to the Court. She stated that Dr. Stapert has the opportunity to appeal to the Court of Appeals.

## 11. EXECUTIVE DIRECTOR'S REPORT

- **Financial** – Ms. McCarthy reported that at the end of October 2003, which was the first four months or 33% of the current fiscal year, the Board had spent 32% of its appropriation and was therefore right on track with expenditures. She reminded the Board that revenues would be low, as 2004 is an off-renewal year. Ms. McCarthy stated that the next budget activity would occur in January when the Legislature convenes, where she will testify at the Board's budget hearings.

## 12. LICENSING REPORT

- **New Licenses Issued** – Marcus Harvey, Deputy Director, reported that the Board had licensed the following eight psychologists since the October meeting, two of them by credential:

3600	Ann Green, Psy.D.	3604	Bradley White, Ph.D.
3601	Bruce McHale, Ph.D.	3605	Noelle Rohen, Ph.D.
3602	Jay Heisler, Ph.D.	3606	Richard Wortman, Ph.D.
3603	Thomas Seymour, Ph.D.	3607	Bernard Katz, Ph.D.

Mr. Harvey reported that the Board had issued 62 new licenses this year, which is the same number of licenses issued by this time last year.

- **EPPP Results** – Mr. Harvey then reported that the following three applicants passed the Examination for Professional Practice in Psychology (EPPP) in September and October, with none failing:

<b><u>Pass</u></b>	<b><u>Fail</u></b>
Ann Green, Psy.D.	None
Bruce McHale, Ph.D.	
Bradley White, Ph.D.	

- **New Applications** – Finally, Mr. Harvey then reported that the Board had received 12 new applications in the past two months, which made 79 applications received this year, which keeps pace with the 80 applications received by this time last year.

**13. COMMITTEE REPORTS**

• **APPLICATIONS REVIEW COMMITTEE**

- **Requests to Sit for the EPPP & Licensure** – Dr. Cox made a motion, seconded by Dr. Counts, and unanimously carried (7-0), that the following applicants, having met the requirements of A.R.S. § 32-2071 and A.A.C. R4-26-203, be approved to sit for the Examination for Profession Practice of Psychology, and for licensure upon receipt of a passing score on the Examination, and payment of the pro-rated original license fee:
  - **Michelle Dorsey, Ph.D.**
  - **Amy Lerner, Ph.D.**
- **Requests for Licensure by Waiver of EPPP** – Dr. Cox made a motion, seconded by Dr. Santos de Barona, and unanimously carried (7-0), that the following applicants, having met the requirements of A.R.S. § 32-2071.01(A), be approved for licensure upon payment of the pro-rated original license fee:
  - **Irene Castelot, Ph.D.**
  - **David Hermosillo-Romo, Ph.D.**
  - **Paula Shepard, Psy.D.**
- **Ratification of License Issued by Credential** – Finally, Dr. Cox made a motion, seconded by Dr. Santos de Barona, and unanimously carried (7-0), that the Board ratify issuance of licensure by credential to **Richard Wortman, Ph.D.**, who has met the requirements of A.R.S. § 32-2071.01(B).

**The following applications were listed as ongoing and were not discussed at this meeting:**

Jeffrey Hersh, Ph.D.  
Daniel McDonnell, Ph.D.  
Gerald Peterson, Ph.D.  
Carlos Quezada-Gomez, Psy.D.  
Ann Renard, Ph.D.

**14. REPORT ON ASPPB MEETING HELD ON OCTOBER 16-19, 2003 IN SCOTTSDALE, ARIZONA**

This item was tabled to a future Board meeting.

**15. DISCUSSION/DECISION REGARDING PROPOSALS FROM TASK FORCE ON COMPLAINT PROCESS**

This item was tabled to a future Board meeting.

**16. DISCUSSION/DECISION REGARDING NON-COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS – Harry Saslow, Ph.D.**

Ms. McCarthy summarized the circumstances of Dr. Saslow's non-compliance with the continuing education requirements for the Board. Board members proceeded to deliberate, after which Dr. Counts made a motion to issue a letter of concern to Dr. Saslow. The motion was seconded by Dr. Rohrbaugh but withdrawn after further discussion. Dr. Santos de Barona then made a motion, seconded by Dr. Cox, and unanimously carried (7-0), to offer Dr. Saslow a consent agreement, finding him out of compliance with the continuing education requirements, and fining him \$300 in lieu of an informal interview.

**17. DISCUSSION/DECISION REGARDING APPROVAL OF EXPENDITURE TO RETAIN A LOBBYIST FOR THE 2004 LEGISLATIVE SESSION**

Ms. McCarthy explained that introduction of the statutory changes approved by the Board under Agenda item number nine would require hiring a lobbyist. Board members discussed this issue and a motion was made by Dr. Counts, seconded by Dr. Cox, and unanimously carried (7-0), to authorize staff to seek bids for a lobbyist who would introduce the Board's amendment, if any legislation agreeable to the Board is offered by other groups during the 2004 Legislative Session. The Board approved an expenditure cap of \$9,500 for the lobbyist.

**18. DISCUSSION/DECISION REGARDING REQUEST FOR MEDICAL INACTIVE STATUS**

- **Judith Anne Carter, Ph.D.**

After some discussion, Dr. Counts made a motion, seconded by Dr. Lassen, and unanimously carried (7-0), to approve Dr. Carter's request for medical inactive status.

**19. ADJOURNMENT**

There being no further business to come before the Board, a motion was made by Dr. Counts, seconded by Dr. Cox, and unanimously carried (7-0), to adjourn the meeting at 5:55 p.m.

**Prepared by:**

**Marcus Harvey  
Deputy Director**

**Respectfully submitted,**

**/s/Michael J. Rohrbaugh, Ph.D.  
Secretary**